

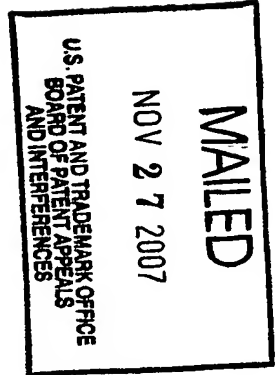
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROLAND ALBERT, CHRISTIAN FRITZSCHE,
ANDREAS REKOFISKY, and ULF SCHEUERER

Application 10/616,018

ORDER RETURNING UNDOCKETING APPEAL TO EXAMINER



This application was received electronically at the Board of Patent Appeals and Interferences on November 16, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below.

EXAMINER'S ANSWER

An examination of the Image File Wrapper (IFW) reveals that the Claim Rejections listed on pages 2 through 5 of the Final Rejection filed June 1, 2006, are listed as follows:

1. Claims 1-5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chia, U.S. Patent 4,868,349 and in view of Lindberg et al, U.S. Patent 5,504,378;

2. Claims 1-5, 7-12, 14-16, and 18-22 are rejected under 37 U.S.C. § 103(a) as being unpatentable over Loibl et al., U.S. 6,160,708 in view of Chia, and in view of Lindberg et al., U.S. Patent 5,504,378; and

3. Claims 1-5, 7-12, 14-16, and 18-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mertol, U.S. Patent 5,940,271 in view of Lindberg et al., in view of Chia, U.S. in view of Baumel et al., U.S. Patent 5,966,291, and in view of Loibl et al.

Page 4 of the Examiner's Answer mailed February 13, 2007, states under the Ground of Rejection that "Claims 1-5, 7-12, 14-16, and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loibl et al., U.S. Patent 6,160,708 in view of Lindberg et al., U.S. Patent 5,504,378."

However, it should be noted that the reference Chia is missing in the Examiner's Answer. The Examiner Answer's fails to include the Chia reference in the Grounds of Rejection. Correction is required.

CONCLUSION

Accordingly, it is **ORDERED** that the application is returned to the Examiner:

1) issue and mailed a revised Examiner's Answer which clarifies the missing reference in the Grounds of Rejection; and

2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES



PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

PJN/kis

CC: BAKER BOTTS L.L.P.
PATENT DEPARTMENT
98 SAN JACINTO BLVD., SUITE 1500
AUSTIN, TX 78701-4039